

**STATE OF RHODE ISLAND  
BEFORE THE RHODE ISLAND ETHICS COMMISSION**

**In re: James H. Brady, Jr.,  
Respondent**

**Complaint No. 2020-3**

**ORDER**

This matter having been heard before the Rhode Island Ethics Commission on January 26, 2021, pursuant to 520-RICR-00-00-3.16 Informal Disposition (1011), and the Commission having considered the Complaint herein, the Respondent's Answer, the Investigative Report, the arguments of counsel, and the proposed Information Resolution and Settlement, which is incorporated by reference herein, it is hereby

**ORDERED, ADJUDGED AND DECREED**

THAT, the Commission approves the Informal Resolution and Settlement;

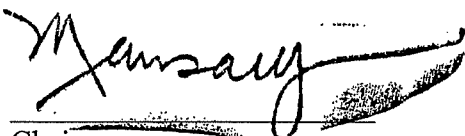
THAT, the Commission incorporates by reference herein the Findings of Fact and Admissions, and the Conclusions of Law, set forth in the Informal Resolution and Settlement;

THAT, the Respondent's communications with, and directives to, the Scituate Police Department, in his capacity as the Scituate Town Council President, relative to the National Grid road detail performed on July 16, 2019, violated R.I. Gen. Laws § 36-14-5(a);

THAT, the Investigative Report filed by the Commission Prosecutor in the instant matter will be made public along with the Informal Resolution and Settlement; and

THAT, the Respondent is ordered to pay a civil penalty in the amount of One Thousand Two Hundred Fifty Dollars (\$1,250).

ENTERED as an Order of this Commission,

  
Chairperson

Dated: January 26, 2021

**STATE OF RHODE ISLAND  
BEFORE THE RHODE ISLAND ETHICS COMMISSION**

In re: James H. Brady, Jr.  
Respondent

Complaint No. 2020-3

**INFORMAL RESOLUTION AND SETTLEMENT**

The Respondent, James H. Brady, Jr., and the Rhode Island Ethics Commission (“Commission”) hereby agree to a resolution of the above-referenced matter as follows:

**I. FINDINGS OF FACT & ADMISSIONS**

1. The Respondent was first elected to the Scituate Town Council (“Town Council”) in November 2018 and has continuously served in said capacity. At all relevant times, the Respondent served as President of the Town Council and exercised supervisory authority over the Scituate Police Chief.

2. The Respondent previously served in the Scituate Police Department (“SPD” or “Department”), retiring as a Sergeant in December 1998.

3. In February 2017, prior to his election to office, the Respondent began performing special details for the SPD pursuant to the Department’s “Voluntary Road Detail Program.” Upon approval by the Chief of Police, those personnel who were previously full-time sworn SPD officers, and who retired in good standing on a non-disability pension, may voluntarily work traffic and road construction detail assignments. The Respondent performed SPD traffic and road construction details, for which he received compensation, through August 10, 2019.

4. Upon his election to office, the Respondent sought an advisory opinion from the Ethics Commission regarding, among other things, his ability to participate in Town Council

matters regarding the Department. On February 5, 2019, the Ethics Commission issued Advisory Opinion 2019-15, in which it opined that the provisions of the Code of Ethics “clearly prohibit the [Respondent] from participating in any Town Council matters in which he . . . will be financially impacted, positively or negatively, including, but not limited to, matters relating to the [Respondent’s] . . . compensation, benefits, supervision or job performance, the road detail list, and the detail work in general.”

5. In July 2019, the Respondent engaged in a series of email communications with the Department on various matters relating to the performance of details, all of which were sent from the Respondent’s official Town email address. Among said communications were four emails that the Respondent signed in his capacity as Town Council President.

6. The Respondent made inquiries of the Department regarding Work Zone Safety training requirements for the performance of certain road construction details. Said matters did not have a financial impact upon the Respondent, who at all times possessed the requisite training certification.

7. The Respondent also made inquiries of, and issued directives to, the Department regarding the vetting of individuals performing details assignments from outside police departments. Said matters did not have a financial impact upon the Respondent in his performance of details as a retired SPD officer.

8. On July 16, 2019, the Respondent initiated a line of inquiry to then Chief Donald R. Delaere, Jr., regarding a National Grid road detail assignment performed by an East Greenwich police officer on said date. The Respondent asked Chief Delaere to look into why all retired police officers had not been offered the detail first, a matter impacting the Respondent as a retired SPD officer performing road details.

9. The Respondent's July 2019 communications with the Police Department were in direct contravention of the guidance set forth in Advisory Opinion 2019-15.

## **II. CONCLUSIONS OF LAW**

1. As an elected member of the Scituate Town Council, the Respondent was at all times subject to the Rhode Island Code of Ethics in Government pursuant to R.I. Gen. Laws § 36-14-4(1).

2. The Respondent's July 2019 inquiries of the Scituate Police Department regarding Work Zone Safety training requirements did not violate R.I. Gen. Laws § 36-14-5.

3. The Respondent's July 2019 inquiries of, and directives to, the Scituate Police Department regarding the vetting of individuals performing details assignments from outside police departments did not violate R.I. Gen. Laws § 36-14-5.

4. The Respondent's communications with, and directives to, the Scituate Police Department, in his capacity as the Town Council President, relative to the National Grid road detail performed on July 16, 2019, violated R.I. Gen. Laws § 36-14-5(a).

## **III. SETTLEMENT**

Pursuant to the above Findings of Fact and Conclusions of Law, the parties hereby agree, subject to the approval of the Commission, pursuant to R.I. Gen. Laws § 36-14-13(d) and 520-RICR-00-00-3.16 Informal Disposition (1011), to the following:

1. The Commission shall enter an Order and Judgment adopting the Findings of Fact, Conclusions of Law and terms of the Settlement herein.

2. The Respondent agrees that, pursuant to the above Findings of Fact and Conclusions of Law, the Prosecution will recommend, pursuant to R.I. Gen. Laws § 36-14-13(d),

the imposition of a civil penalty in the amount of \$2,500. The Respondent is free to advocate for a lesser amount but agrees to pay the civil penalty ultimately imposed by the Commission.

3. The Respondent further agrees that the Investigative Report filed by the Commission Prosecutor in the instant matter will be made public along with the Informal Resolution and Settlement.

4. The above terms represent the full and complete Informal Resolution and Settlement for Complaint No. 2020-3.



Katherine D'Arezzo, Esq. (Bar No. 5710)  
Commission Prosecutor

Dated: 1/25/21

/s/ James H. Brady  
James H. Brady, Jr.  
Respondent

Dated: 1/25/21

/s/ William C. Dimitri  
William C. Dimitri, Esq. (Bar No. 3129)  
Respondent's Counsel

Dated: 1/25/21